



Docket No. CI-0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David McPhail, William N. DROHAN,
David M. BURKE and Martin J. MACPHEE

Serial No. 09/942,938

Group Art Unit: 1614

Confirm. No.: 8959

Examiner: Randall O. Winston

Filed: August 31, 2001

For: METHODS FOR STERILIZING PREPARATIONS OF DIGESTIVE ENZYMES

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FEB 24 2003

TECH CENTER 1600/2900

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is an Amendment and/or Reply in the above identified application.

- ☐ No additional fee is required.
☒ Also attached: Petition for Extension of Time

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	262	262	0	x \$9 =	\$0.00
Independent Claims	8	8	0	x \$84 =	\$0.00
If multiple claims newly presented, add \$280.00					
Fee for extension of time					\$55.00
TOTAL FEE DUE					\$55.00

- ☐ Please charge my Deposit Account No. 16-0607 in the amount of \$. An additional copy of this transmittal sheet is submitted herewith.

- ☒ A check in the amount of \$ 55.00 (Check # 8890) is attached.

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 16-0607, including any filing fees under 37 C.F.R. 1.16 for presentation of extra claims and any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,
FLESHNER & KIM, LLPDonald R. McPhail
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Registration No. 47,355
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Chantilly, VA 20153-1200
(703) 502-9440 DRM/TMS/LLL:cre
Date: February 19, 2003



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CI-0004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David M. MANN, Wilson BURGESS,
William N. DROHAN, Yuri GRIKO
and Martin J. MACPHEE

Serial No.: 09/942,938

Confirm. No.: 8959

Filed: August 31, 2001

For: METHODS FOR STERILIZING PREPARATIONS OF DIGESTIVE
ENZYMES

Group Art Unit: 1614

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REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In reply to the Office Action of December 17, 2002 wherein restriction has been required, Applicants hereby elect Group V (claim 5), with traverse, for prosecution in the above-identified application.

It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Specifically, claims 7-59 and 79-85 depend directly from claim 5 and therefore should be included with Group V. Additionally, claim 5 recites a method that includes at least one stabilizing process. Applicants submit that claim 6, which recites a similar method including at least two stabilizing processes should also be included in Group V as a search for the method

Serial No. 09/942,938

of claim 5 would overlap a search for the method of claim 6 and if claim 5 were found allowable, then claim 6 would also be allowable.

Furthermore, as applications with similar inventors have been searched in class 422, Applicant respectfully submits that at least Group V should be properly classified in class 422.

Thus, it is respectfully submitted that the search and examination of the entire application should be made for claims depending directly from claim 5 and that a search for claim 6 could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Laura L. Lee**, at the telephone number listed below.

Serial No. 09/942,938

Docket No. CI-0004

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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